



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494
Phone: 209.525.6700 Fax: 209.525.6774

April 2, 2018

Ron Martella
2288 Geer Road
Hughson, CA 95326

TRANSMITTAL OF CITATION NO. DER-18C-006 FOR TCR MCL FAILURE

The Growers Direct Nut Company Water System violated the Maximum Contamination Level (MCL) for total coliform bacteria during the month of February 2018 as specified in the Domestic Water Quality Monitoring Regulation, Chapter 15, Title 22, California Code of Regulations. The Stanislaus County Department of Environmental Resources has issued Citation No. DER-18C-006 in response to this violation. The citation is being transmitted to the Growers Direct Nut Company Water System under cover of this letter. Please review and confirm each item of the Directives established in the citation.

Any person who is aggrieved by a citation issued by the Stanislaus Department of Environmental Resources may file a petition with the State Water Resources Control Board (State Water Board) for reconsideration of the citation. Petitions must be received by the State Water board within 30 calendar days of the issuance of the citation. The date of issuance is the date when the Stanislaus Department of Environmental Resources mails or serves a copy of the citation whichever occurs first. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

Section 116650(d) and Section 116650(e) of the California Health and Safety Code allow for the assessment of a civil penalty for failure to comply with the requirements of Chapter 4 of the California Safe Drinking Water Act. Stanislaus County Ordinance provides that fees must be charged for staff time in responding to MCL violations. The fee charged is the Department's weighted labor rate of \$111.00 per hour, with a one-hour minimum. To date, 1.0 hour has been spent responding to the MCL violation. This Department will invoice you.

If you have any questions regarding this matter, please contact Rachel Riess at (209) 525-6720.

Sincerely,

Rachel Riess, REHS
Registered Environmental Health Specialist

Enclosure (1)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

Attn: Ron Martella, Owner
Growers Direct Nut Company

The Department of Environmental Resources (hereinafter "Department"), acting by and through its Division of Environmental Health (hereinafter "Division") and the Manager for the Division (hereinafter "Manager"), hereby issues this Citation (hereinafter "Citation") pursuant to Sections 116330 (f) and 116650 of the California Health and Safety Code (hereinafter "CHSC") to the Growers Direct Nut Company (hereinafter, "Growers") for violation of Title 22, California Code of Regulations (CCR), Section 64426.1 (b).

APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides:

(a) If the Division determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the Division may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The Division may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

California Code of Regulations, Title 22, Section 64426.1, subsection (b) provides, in relevant part:

(b) A public water system is in violation of the total coliform Maximum Contaminant Level ("total coliform MCL") when any of the following occurs:

(2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or

(3) Any repeat sample is fecal coliform-positive or E.coli-positive; or

1 (4) Any repeat sample following a fecal coliform-positive or E.coli-
2 positive routine sample is total coliform-positive.

3 (c) If a public water system is not in compliance with paragraphs (b)(1) through
4 (4), during any month in which it supplies water to the public, the water supplier shall
5 notify the State Board by the end of the business day on which this is determined,
6 unless the determination occurs after the State Board office is closed, in which case
7 the supplier shall notify the State Board within 24 hours of the determination. The
8 water supplier shall also notify the consumers served by the water system.

9 **STATEMENT OF FACTS**

10 Growers has not been issued a water supply permit as the supply does not
11 meet Drinking Water standards and is operating under Compliance Order DER-16CO-
12 009, which was issued on August 24, 2016.

13 Growers' water system is located in Stanislaus County along Geer Road,
14 approximately 0.3 miles East of the City of Hughson. Growers' service area is
15 approximately 10.44 acres in size.

16 Growers' water system is classified as a nontransient noncommunity water
17 system that serves the employees and visitors of a nut processing facility. According
18 to the 2016 Annual Report to the Division, Growers serves approximately 25 people
19 through five service connections. However, a Stanislaus County Planning
20 Department Application Questionnaire dated December 30, 2015, indicates that 95 to
21 105 people are supplied water. The five service connections are un-metered. The
22 water system obtains its water supply from one active well located on Growers'
23 property.

24 The source of supply for Growers' water system is a single well (2013 Well)
25 with two submersible pumps of unknown capacities and horsepower. One pump
26 discharges to the domestic water distribution lines, and the second pump discharges
27 to fire suppression for the Storage Building K. The remaining fire suppression

1 demands are not provided by this well and are supplied by a separate dedicated
2 irrigation well.

3 With a population up to 105, the Growers water system is required to have one
4 sample examined for bacteriological quality every month from its distribution system.
5 The Growers' contract laboratory, FGL Environmental, utilizes the testing SM 9223B
6 method for bacteriological analyses.

7 Specifically, on February 14, 2018, the Growers water system collected five
8 routine samples, following a coliform positive MCL violation in January 2018, for
9 bacteriological quality from the designated sites in the distribution system. Three
10 samples, collected from the wash sink at building #2 in duplicate and one sample,
11 collected from the pressure tank, tested positive for total coliform bacteria. All of the
12 samples were negative for E.coli coliform bacteria.

13 On February 16, 2018, the Growers water system collected four repeat
14 samples (one sample each from the routine coliform positive sample location, the
15 downstream locations, the upstream locations and the well head). Two of the repeat
16 samples tested positive for total coliforms and none were E.coli coliform positive.

17 On February 15, 2018, this Division received via email the first notification that
18 the Growers water system had three routine bacteriological quality samples that
19 tested positive for total coliforms. On March 6, 2018, a Level Two Revised Total
20 Coliform investigation was conducted by this Division. The findings of this inspection
21 and a schedule for correction were provided to Growers on March 12, 2018.

22 DETERMINATION

23 The Division has determined that Growers failed to comply with the
24 requirements of Section 64426.1 (b) due to the fact that Growers had more than one
25 sample during the month of February 2018 that was total coliform-positive. Therefore,
26 Growers is in violation of Section 64426.1 (b) of the California Code of Regulations.

27

DIRECTIVES

Growers is hereby directed to take the following actions:

1. On February 15, 2018, this Division directed Growers to provide photo documentation of the existing permanent signage notifying consumers that the water is non-potable and a copy of the most recent invoice for bottled water purchase by February 20, 2018.
 - a. On February 15, 2018, this Division received via email photo documentation of the existing permanent signage and copy of the most recent invoices for bottled water purchases. On February 19, 2018, this Division received via email the proof of notification that consumers served by the Growers water system were notified of the bacteriological quality (Total Coliform Rule) failure using a State Board approved notification form.
2. On February 15, 2018, this Division directed Growers to schedule a Level 2 Assessment with the Division to determine the cause of possible significant rise in bacterial count in the Growers' distribution system during the month of February 2018. The investigation shall be completed by this Division and a report of the investigation shall also be prepared in accordance with Section 64426 (b)(2), Title 22, CCR, and submitted to the Department by March 15, 2018.
 - a. On March 6, 2018, this Division conducted a Level 2 Assessment of the Growers water system. A copy of the Level 2 Assessment Form has been provided to Rob Shank by email.
3. On March 12, 2018, this Division directed Growers to complete corrections to significant deficiencies from the Level 2 Assessment. The following corrections must be completed:
 - a. By March 30, 2018, repair or replace air relief vent so that it operates properly and is provided with a downward facing, screened opening.

- b. By March 30, 2018, seal all joints of the modified surface seal.
- c. By March 30, 2018, provide a casing vent that is down turned and screened.
- d. By March 30, 2018, evaluate electrical line for both submersible pumps. Ensure electrical lines are free of cracks or holes.
- e. By May 30, 2018, replace the Reduced Pressure (RP) at the domestic supply line with a single check valve and sample tamp upstream of the check valve.

The Division reserves the right to make such modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation, and shall be deemed effective upon issuance.

Nothing in this Citation relieves Growers of its obligation to meet the requirements of the California Safe Drinking Water Act, or of any regulation, permit, standard, or order issued or adopted thereunder.

All submittals required by this Citation shall be submitted to the Division at the following address:

Rachel Riess, REHS
Department of Environmental Resources
3800 Cornucopia Way, Suite C
Modesto, CA 95358

PARTIES BOUND

This Citation shall apply to and be binding upon Growers, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The Directives of this Citation are severable, and Growers shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 20
- 21
- 22
- 23

Date

Rachel Riess, REHS

Certified Mail No. 7014 3490 0001 6849 4477